

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ALEXANDER LEONARD, :  
Plaintiff(s), :  
vs. : Case Number: 1:08cv87  
WARDEN, LEBANON CORRECTIONAL : Chief Judge Susan J. Dlott  
INSTITUTION, :  
Defendant(s). :  
:

## ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Hogan. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 20, 2009 a Report and Recommendations (Doc. 8). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 10).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DENIED** with prejudice.

A certificate of appealability will not issue because petitioner has failed to make a substantial showing of the denial of a constitutional right based on the claims raised in the petition. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal this Order will not

be taken in “good faith” and, therefore, **DENIES** petitioner leave to proceed on appeal *informa pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

—  
\_\_\_\_\_  
s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court